

DOUBLE PATENTING REJECTION

In section 1 of the Office Action, the Examiner rejected claims 1-22 under the judicially created Doctrine of Double Patenting over claims 1-22 of U.S. Patent No. 6,325,540 and claims 1-25 of U.S. Patent No. 6,412,980. Applicants have attached a terminal disclaimer to this Reply to overcome the rejection. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-22.

REJECTION OF CLAIMS 1-22 UNDER 35 U.S.C. § 103(a) BASED UPON CLARK ET AL. IN VIEW OF BERGLUND ET AL.

In section 2 of the Office Action, the Examiner rejected claims 1 through 22 under 35 U.S.C. § 103(a) as unpatentable over Clark et al., U.S. Patent No. 4,881,230, in view of Berglund et al., U.S. Patent No. 6,427,176. With this Reply, Applicants respectfully traverse the rejection based upon Clark et al. in view of Berglund et al.

Claim 1 recites "configuring the medical diagnostic system in accordance with the information [on a field replaceable unit]." Neither Clark et al. nor Berglund et al. discloses, teaches, or suggests configuring a medical diagnostic system in accordance with information on a field replaceable unit. In contrast, Clark et al. relates to error management in a multiplex communication system and Berglund et al. relates to a method of maintaining system labeling in an electrical system. While Clark et al. mentions the "use of expert systems to diagnose patients in a medical environment," column 1, lines 65-66, the statement is in a "Description of the Prior Art" section as an example of a prior art software system. The expert system disclosed in the Clark et al. reference is intended for application to a "multiplex communication system" and is not related to or applied to a medical diagnostic system as recited in independent claim 1. Accordingly, independent claim 1 and corresponding dependent claims 2-10 are patentable over the combination of Clark et al. and Berglund et al. and are presented for reconsideration and allowance.

Dependent claim 5 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 5 recites "receiving association information from a remote service facility, the association information providing data for the step of configuring the medical diagnostic system." The Examiner does not specifically address

this feature in the Office Action and there is no suggestion in the cited computer art for receiving association information from a remote service facility and using it to configure a medical diagnostic system. Accordingly, dependent claim 5 is further patentable over the cited art.

Dependent claim 6 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 6 recites "communicating operational data of the field replaceable unit to the remote service facility." There is no suggestion in the cited computer art for communicating operational data of a field replaceable unit to a remote service facility. Accordingly, dependent claim 6 is further patentable over the cited art.

Applicants have converted claim 7 into independent format by incorporating the limitations of claims 1, 3, 5, and 6 into claim 7. Claim 7 is patentable over the cited art for the reasons set forth with respect to claim 1 above. Further, claim 7 recites "generating a subscription file based upon the association information, the subscription file including data uniquely identifying a field service unit and a service subscription for the medical diagnostic system and storing the subscription file in machine readable form." The Examiner does not specifically address this feature in the Office Action and there is no suggestion in the cited computer art for such a subscription file and associated data. Accordingly, independent claim 7 and dependent claim 8 are further patentable over the cited art.

Dependent claim 8 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 8 recites "generating a service request subject to a service subscription in verifying a subscription file status based upon the service request." There is no suggestion in the cited computer art for generating a service request subject to a service subscription and verifying a subscription file status. Accordingly, dependent claim 8 is further patentable over the cited art.

Dependent claim 10 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 10 recites "the x-ray tube being the field replaceable unit." There is no suggestion in the cited computer art for such an x-ray tube. The "expert system" used to diagnose patients recited in Clark et al. relates to a

software system used to assess a patient and does not relate to medical equipment such as an x-ray tube. Accordingly, dependent claim 10 is further patentable over the cited art.

Independent claim 11 recites a "processing circuit being responsive to requests for identification information from the medical diagnostic system." Neither Clark et al. nor Berglund et al. discloses, teaches, or suggests a system having a processing circuit responding to requests for identification from a medical diagnostic system. Although the Clark et al. reference recites "expert systems to diagnose patients in a medical environment," nowhere does Clark et al. suggest a system requesting identification information from a processing circuit coupled to a storage medium that is coupled to a field replaceable unit as recited in claim 11. Berglund et al. makes no mention of any medical diagnostic system. Accordingly, claim 11 and corresponding dependent claims 12-15 are patentable over Clark et al. in view of Berglund et al. and are presented for reconsideration and allowance.

Dependent claim 12 is further patentable over the cited art in addition to the reasons set forth above. Claim 12 recites a "communication interface being configured to allow communications between the medical diagnostic system and a remote facility via a network." The Examiner does not specifically address this feature in the Office Action and there is no suggestion in the cited computer art for a communication interface between a medical diagnostic system and a remote facility. Accordingly, claim 12 is further patentable over the cited art.

Claim 15 is further patentable over the cited art in addition to the reasons set forth above. Claim 15 recites "wherein the storage medium is physically coupled to an x-ray tube, the x-ray tube being the field replaceable unit." There is no suggestion in the cited computer art for such an x-ray tube, which is unrelated and not relevant to the software system recited in the description of the prior art section of Clark et al. Accordingly, claim 15 is further patentable over the cited art.

Independent claim 16 recites "means for configuring the medical diagnostic system in accordance with the information." Neither Clark et al. nor Berglund et al. discloses, teaches, or suggests configuring a medical diagnostic system in accordance

with information received on a field replaceable unit to be associated with a medical diagnostic system. In contrast, Clark et al. and Berglund et al. disclose an error management system for a multiplex communication system and a method of labeling a computer system after a field upgrade. As discussed above, the reference to an expert system used to diagnose patients in Clark et al. refers to prior art software that has no relationship to the error management system disclosed in the specification. Berglund et al. does not disclose a medical diagnostic system. Accordingly, independent 16 and dependent claims 17-22 are patentable over the combination of Clark et al. and Berglund et al. and are presented for reconsideration and allowance.

Dependent claim 19 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 19 recites "means for interfacing with a remote facility via a communication network." There is no suggestion in the cited computer art for using a communication network to interface with a remote facility. Accordingly, dependent claim 19 is further patentable over the cited art.

Dependent claim 20 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 20 recites "means for reconfiguring the medical diagnostic system in accordance with association information from the remote facility." The Examiner does not specifically address this feature in the Office Action and there is no suggestion in the cited computer art for reconfiguring a medical diagnostic system. Nor do the cited references suggest using association information from a remote facility to reconfigure a medical diagnostic system. Accordingly, claim 20 is further patentable over the cited art.

Dependent claim 21 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 21 recites "means for servicing the field service unit via the communication network." There is no suggestion in the cited computer art for the ability to service a field service unit via a field communication network. Clark et al. merely discloses a system used to determine which field replaceable unit is causing an error. Berglund et al. merely discloses a method of re-labeling a computer system after a field upgrade. Neither reference discloses means for servicing the field service unit via a communication network.

Dependent claim 22 is further patentable over the cited art in addition to the reasons set forth above. Dependent claim 22 recites "The x-ray tube being the field replaceable unit." There is no suggestion in the cited art for an x-ray tube being the field replaceable unit. Both the Clark et al. and Berglund et al. relate to computer systems rather than medical imaging systems such as an x-ray tube. The reference to a computer system to diagnose patients in Clark et al. relates to a prior art software system that has no relationship to a diagnostic imaging device such as an x-ray tube. Accordingly, claim 22 is further patentable over the cited art.

NEW CLAIM

Applicants have added new independent claim 23. Claim 23 incorporates limitations set forth in original claims 1, 3, and 14 and contains no new matter. Applicants respectfully request consideration and allowance of new claim 23.

CONCLUSION

Claims 1-23 are pending in the present application. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 10/25/02

By 

FOLEY & LARDNER
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5367
Telephone: (414) 297-5897
Facsimile: (414) 297-4900

Jeffrey S. Gundersen
Attorney for Applicant
Registration No. 47,619